

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK**

EVELYN ALVIR,

Plaintiff,

vs.

AETNA LIFE INSURANCE COMPANY OF  
HARTFORD a/k/a AETNA LIFE INSURANCE  
COMPANY a/k/a AETNA, INC.,

Defendants.

Civil Action No.:

*Filed Electronically*

**NOTICE OF REMOVAL**

TO: United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Defendant, Aetna Life Insurance Company, appearing on behalf of improperly pled Aetna Life Insurance Company Of Hartford a/k/a Aetna Life Insurance Company a/k/a Aetna, Inc. ("Aetna" or "Defendant"), pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, hereby submits the following Notice of Removal with respect to the above captioned case, which was filed in the Supreme Court of the State of New York, County of Queens, Index No. 706732/2016. In support of this Notice of Removal, Defendant states as follows:

**Timeliness And Background**

1. On June 8, 2016 Plaintiff Evelyn Alvir ("Plaintiff") commenced a civil action against Defendant by filing a Summons with Notice ("Summons With Notice") in the Supreme

Court of the State of New York, County of Queens, Index No. 706732/2016. There are no other parties named in Plaintiff's complaint.

2. Pursuant to New York law, Defendant was served with process on June 17, 2016. Pursuant to 28 U.S.C. § 1446(a), a true and correct copy of the Summons with Notice, which constitutes "all process, pleadings, and orders" served upon Defendant in the state court action, is attached hereto as Exhibit A. Because Defendant has filed this Notice of Removal within thirty days of service, this Notice of Removal is timely. *See* 28 U.S.C. § 1446(b).

3. Plaintiff alleges that she is entitled to damages in the amount of \$250,000 for non-payment of benefits due pursuant to the terms of a group health insurance plan issued by the defendant. (*See* Exhibit A, p. 2) Plaintiff demands payment of \$250,000. (*Id.*)

4. Pursuant to 28 U.S.C. § 1441(a), "any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending." 28 U.S.C. § 1441(a).

**The Case is Removable Based Upon Diversity Jurisdiction**

6. Pursuant to 28 U.S.C. § 1332(a), "[t]he district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between ... citizens of different States." 28 U.S.C. §1332(a).

7. In this case, both the "diversity" and "amount in controversy" requirements are met.

8. Plaintiff identifies herself as a citizen of the State of New York by virtue of her stated residence. (*See* Summons With Notice).

9. Section 1332 defines corporate citizenship as follows: "[f]or the purposes of this section and section 1441 of this title . . . a corporation shall be deemed to be a citizen of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business . . . ." 28 U.S.C. § 1332(c).

10. Defendant is incorporated under the laws of the State of Connecticut. The Summons with Notice was served upon and identifies Aetna's Principal address at 151 Farmington Avenue, Hartford, Connecticut 06156. (See Exhibit B, Affidavit of Joann Conejo, ¶ 7). Defendant is a citizen of the State of Connecticut and under either analysis is not a citizen of the State of New York. *See* 28 U.S.C. § 1332(c)(1).

11. Thus, Plaintiff and Defendant are citizens of different states, and this case is "between citizens of different states." 28 U.S.C. §§ 1332(a), (c).

12. Plaintiff seeks to recover unpaid benefits in the amount of \$250,000.00.

13. Accordingly, the amount in controversy exceeds the \$75,000 threshold for diversity jurisdiction. *See* 28 U.S.C. §§ 1332(a).

14. Based on the foregoing, this Court has original jurisdiction over Plaintiff's claims. *See* 28 U.S.C. §§ 1331, 1332(a); (c).

#### **Venue And Notice**

15. This action is removable to this Court. 28 U.S.C. §§ 1441(a), (b).

16. Removal is appropriate "to the district court of the United States for the district and division embracing the place where such action is pending." 28 U.S.C. § 1441(a). Venue is

proper in this District because, pursuant to 28 U.S.C. § 112(b), this District embraces the Supreme Court of the State of New York, County of Queens, the place where the removed action has been pending. 28 U.S.C. § 1441(a).

17. Promptly upon the filing of this Notice of Removal, Defendant shall file a Notice of Filing of Notice of Removal, with a copy of the Notice of Removal, with the Supreme Court of the State of New York, County of Queens, and will serve a copy thereof on Plaintiff through her counsel, pursuant to 28 U.S.C. 1446(d). A copy of this notice is attached hereto at Exhibit C.

18. Based on the foregoing, this Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332; therefore, the Court properly may exercise jurisdiction over this lawsuit. 28 U.S.C. § 1441(a).

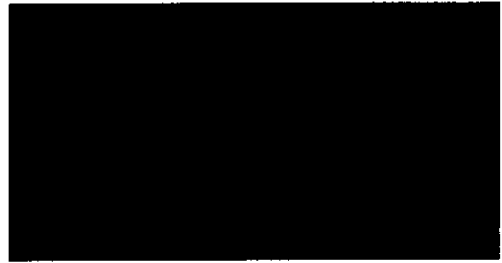
**WHEREFORE**, Defendant submits that this action properly is removable based on diversity jurisdiction and respectfully requests that the above-described action pending against it be removed to the United States District Court for the Eastern District of New York.

Dated: July 7, 2016

By: s/ Patricia A. Lee  
PATRICIA A. LEE  
plee@connellfoley.com  
888 Seventh Avenue  
9th Floor  
New York, NY 10106  
-and-  
85 Livingston Avenue  
Roseland, New Jersey 07068  
(973) 535-0500 / (973) 535-9217 (Fax)

*Attorneys for Defendant Aetna Life Insurance  
Company*

# **EXHIBIT A**



**Service of Process**

Date: 6/17/16

Time: 13.25 P

Served by: ALAN JONES

Accepted By: [Signature]  
(Print Name)

Signature: Alan Jones

7/5/16

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS

EVELYN ALVIR,

Plaintiff,

-against-

AETNA LIFE INSURANCE COMPANY OF HARTFORD,  
a/k/a AETNA LIFE INSURANCE COMPANY a/k/a  
AETNA, INC..

Defendants,

Filed 6/8/16  
Index No.: 706732/2016

Plaintiff designates  
Queens County as the  
place of trial

The basis of venue is  
Plaintiff's residence

SUMMONS with NOTICE

Plaintiff resides at  
78-20 Springfield Blvd.  
Oakland Gardens, New York  
11364  
County of Queens

To the above named Defendants:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiffs' attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if the summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded herein.

Dated: November 10, 2009

Defendants' Address:  
151 Farmington Avenue  
Hartford, Connecticut 06156

Attorney for Plaintiff:  
Lester D. Janoff, P.C.  
200 Broadhollow Road-Stc. 207  
Melville, New York 11747

Notice: The nature of this action is for compensatory and punitive damages based on a cause of action for breach of contract and a cause of action under the Employee Retirement Income Security Act (ERISA) Section 502(a)(1)(B) for non-payment of benefits due, and to enforce rights, pursuant to the terms of a group health insurance plan issued by the defendant. The claim arose on or about November 9, 2015, and continues to date.

The relief sought is a money judgment in an amount of Two Hundred and Fifty Thousand Dollars (\$250,000.00).

Upon your failure to appear, judgment will be taken against you by default with interest from November 9, 2015, and the costs of this action.



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS

Evelyn Alvir,

Plaintiff/Petitioner,

- against -

Aetna Life Insurance Company of Hartford, a/k/a  
Aetna Life Insurance Company, a/k/a Aetna, Inc.

Defendant/Respondent.

Index No. \_\_\_\_\_

NOTICE OF COMMENCEMENT OF ACTION  
SUBJECT TO MANDATORY ELECTRONIC FILING

PLEASE TAKE NOTICE that the matter captioned above has been commenced as an electronically filed case in the New York State Courts Electronic Filing System ("NYSCEF") as required by CPLR § 2111 and Uniform Rule § 202.5-bb (mandatory electronic filing). This notice is being served as required by that rule.

NYSCEF is designed for the electronic filing of documents with the County Clerk and the court and for the electronic service of those documents, court documents, and court notices upon counsel and unrepresented litigants who have consented to electronic filing.

Electronic filing offers significant benefits for attorneys and litigants, permitting papers to be filed with the County Clerk and the court and served on other parties simply, conveniently, and quickly. NYSCEF case documents are filed with the County Clerk and the court by filing on the NYSCEF Website, which can be done at any time of the day or night on any day of the week. The documents are served automatically on all consenting e-filers as soon as the document is uploaded to the website, which sends out an immediate email notification of the filing.

The NYSCEF System charges no fees for filing, serving, or viewing the electronic case record, nor does it charge any fees to print any filed documents. Normal filing fees must be paid, but this can be done on-line.

**Parties represented by an attorney:** An attorney representing a party who is served with this notice must either: 1) immediately record his or her representation within the e-filed matter on the NYSCEF site; or 2) file the Notice of Opt-Out form with the clerk of the court where this action is pending. Exemptions from mandatory e-filing are limited to attorneys who certify in good faith that they lack the computer hardware and/or scanner and/or internet connection or that they lack (along with all employees subject to their direction) the operational knowledge to comply with e-filing requirements. [Section 202.5-bb(e)]

**Parties not represented by an attorney:** Unrepresented litigants are exempt from e-filing. They can serve and file documents in paper form and must be served with documents in paper form. However, an unrepresented litigant may participate in e-filing.

For information on how to participate in e-filing, unrepresented litigants should contact the appropriate clerk in the court where the action was filed or visit [www.nysCEF.com](http://www.nysCEF.com). Unrepresented litigants also are encouraged to visit [www.nysCEF.com](http://www.nysCEF.com) or contact the Help Center in the court where the action was filed. An unrepresented litigant who consents to e-filing may cease participation at any time. However, the other parties may continue to e-file their court documents in the case.

For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at [www.nysCEF.com](http://www.nysCEF.com) or contact the NYSCEF Resource Center (phone: 846-386-3033; e-mail: [efile@nysCEF.com](mailto:efile@nysCEF.com)).

Dated: 6/8/14

  
Signature

Lester D. Janoff

Name

Lester D. Janoff, P.C.

Firm Name

200 Broadhollow Road - Suite 207

Address

Melville, New York 11747

631-393-5037

Phone

[lesjanlaw@yahoo.com](mailto:lesjanlaw@yahoo.com)

E-Mail

To: Aetna Life Insurance Company of Hartford

Aetna Life Insurance Company

Aetna, Inc.

151 Farmington Avenue  
Hartford, Connecticut  
06156

9/3/15

CERTIFICATION OF ATTORNEY

I hereby certify under penalty of perjury and as an officer of the court that I have no knowledge that the substance of any of the factual submissions contained in the attached documents are false. To the best of my knowledge, information and belief, formed after reasonable inquiry under the circumstances, the presentation of the paper or the contentions therein are not frivolous as defined in subsection (c) of Section 130.1.1 of the Rules of the Chief Administrator.



LESTER D. JANOFF  
200 Broadhollow Road, Suite 207  
Melville, New York 11747  
631-393-5037

Dated: Melville, New York  
June 8, 2016

PLEASE take notice that the within is a (certified)  
true copy of a  
duly entered in the office of the clerk of the within  
named court on

Dated,

Yours, etc.

LESTER D. JANOFF

ATTORNEY AT LAW

Attorneys for

Office and Post Office Address

BROADHOLLOW CENTER  
200 BROADHOLLOW ROAD, SUITE 207  
MELVILLE, NEW YORK 11747

To

Attorney(s) for

NOTICE OF SETTLEMENT  
PLEASE take notice that an order

of which the within is a true copy will be presented  
for settlement to the Hon.

one of the judges of the within named Court, at

on

at

Dated,

M.

Yours, etc.

LESTER D. JANOFF

ATTORNEY AT LAW

Attorneys for

Office and Post Office Address

BROADHOLLOW CENTER  
200 BROADHOLLOW ROAD, SUITE 207  
MELVILLE, NEW YORK 11747

To

Attorney(s) for

JANOFF 139

Supreme Court State of New York  
County of QUEENS

EVELYN ALVIR,

PLAINTIFF,

-VS-

AETNA LIFE INSURANCE COMPANY OF  
HARTFORD, a/k/a Aetna Life Insurance Company  
a//k/a Aetna, Inc.

DEFENDANTS.

SUMMONS WITH NOTICE

Signature (Rule 130-1.1-a)

Print name here

Lester D. Janoff

LESTER D. JANOFF

ATTORNEY AT LAW

Attorneys for Plaintiff

Office and Post Office Address, Telephone

BROADHOLLOW CENTER  
200 BROADHOLLOW ROAD, SUITE 207  
MELVILLE, NEW YORK 11747  
(631) 393-5037

To

Attorney(s) for

Service of a copy of the within is hereby admitted  
Dated

Attorney(s) for

# **EXHIBIT B**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

EVELYN ALVIR,

Plaintiff,

vs.

AETNA LIFE INSURANCE COMPANY OF  
HARTFORD a/k/a AETNA LIFE INSURANCE  
COMPANY a/k/a AETNA, INC.,

Defendants.

Civil Action No.:

AFFIDAVIT OF  
JOANN CONEJO

*Filed Electronically*

Joann Conejo, being duly sworn, deposes and states:

1. I submit this affidavit in support of removal of the above-captioned case. If called as a witness I could and would competently testify to the following.

2. I am a paralegal in Aetna's Law Department. In my current position, I am involved in litigation matters at Aetna. I am familiar with Aetna's internal systems for identifying the health plan in which a member is enrolled and with Aetna's process for maintaining plan documents.

3. According to Aetna's records, Evelyn Alvir was enrolled in an employer-sponsored group health benefits plan through United Nations (the "Plan"), which was in effect at the time Evelyn Alvir received the services for which Plaintiff seeks reimbursement in the Complaint, starting on or about November 9, 2015.

4. The health and welfare benefit plan applicable to Evelyn Alvir is a self-funded Plan for which Aetna acted as claims administrator. The Aetna entity that acted as the claims administrator is Aetna Life Insurance Company.

5. Aetna Life Insurance Company is a corporation organized and existing under the laws of the State of Connecticut, with an office and principal place of business located 151 Farmington Avenue, Hartford, CT 06156.

I solemnly affirm under the penalties of perjury that the contents of this affidavit are true to the best of my knowledge, information, and belief.

By: Joann Conejo  
Joann Conejo

Dated: July 7, 2016

# **EXHIBIT C**



Patricia A. Lee  
CONNELL FOLEY LLP  
888 7th Avenue, 9th Floor  
New York, New York 10106  
(212) 307-3700  
*Attorneys for Defendant*  
*Aetna Life Insurance Company*

SUPREME COURT OF THE STATE OF NEW YORK  
QUEENS COUNTY

EVELYN ALVIR,  
Plaintiff,

vs.

AETNA LIFE INSURANCE COMPANY OF  
HARTFORD a/k/a AETNA LIFE  
INSURANCE COMPANY a/k/a AETNA,  
INC.,

Defendants.

Index No. 706732/2016

**NOTICE TO CLERK OF  
SUPREME COURT OF FILING  
NOTICE OF REMOVAL**

To: Clerk of the Supreme Court  
Supreme Court, Queens County  
89-17 Sutphin Boulevard  
Jamaica, New York 11435

**PLEASE TAKE NOTICE** that, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant, Aetna Life Insurance Company, appearing on behalf of improperly pled Aetna Life Insurance Company of Hartford a/k/a Aetna Life Insurance Company a/k/a Aetna, Inc., (collectively, "Aetna"), filed on this 7th day of July, 2016, a Notice of Removal of the above-captioned matter in the United States District Court for the Eastern District of New York. Pursuant to 28 U.S.C. § 1446(d), this effects the removal of the case, and the State Court may proceed no further unless the case is remanded.

A true and correct copy of the Notice of Removal is attached hereto as Exhibit A.

Dated: July 7, 2016

By: s/Patricia A. Lee  
PATRICIA A. LEE (PL5082)  
[plee@connellfoley.com](mailto:plee@connellfoley.com)  
888 Seventh Avenue  
9th Floor  
New York, NY 10106

-and-

85 Livingston Avenue  
Roseland, New Jersey 07068  
(973) 535-0500 / (973) 535-9217 (Fax)  
*(Attorneys for Defendant Aetna Life Insurance  
Company)*

Patricia A. Lee  
CONNELL FOLEY LLP  
888 7th Avenue, 9th Floor  
New York, New York 10106  
(212) 307-3700  
*Attorneys for Defendant*  
*Aetna Life Insurance Company*

SUPREME COURT OF THE STATE OF NEW YORK  
QUEENS COUNTY

EVELYN ALVIR,  
Plaintiff,

vs.

AETNA LIFE INSURANCE COMPANY OF  
HARTFORD a/k/a AETNA LIFE  
INSURANCE COMPANY a/k/a AETNA,  
INC.,

Defendants.

Index No. 706732/2016

**NOTICE TO ADVERSE PARTY  
OF FILING NOTICE OF  
REMOVAL**

TO: Lestor D. Janoff, P.C.  
200 Broadhollow Road, Suite 207  
Melville, New York 11747

PLEASE TAKE NOTICE that pursuant to 28 U.S.C §§ 1332, 1441 and 1446, a Notice of Removal of the above-captioned action from the Supreme Court of Queens, to the United States District Court for the Eastern District of New York, was duly filed on this 7th day of July, 2016, in the United States District Court for the Eastern District New York, and a Notice of said Removal was forwarded to the Clerk, Supreme Court of New York, Queens County. (A copy of the Notice of Removal and Notice to the Clerk of the Supreme Court of filing Notice of Removal are attached hereto.)

Dated: July 7, 2016

By: s/ Patricia A. Lee  
PATRICIA A. LEE (PL5082)  
plee@connellfoley.com  
888 Seventh Avenue  
9th Floor  
New York, NY 10106

-and-

85 Livingston Avenue  
Roseland, New Jersey 07068  
(973) 535-0500 / (973) 535-9217 (Fax)  
*Attorneys for Defendant Aetna Life Insurance  
Company*

JS 44 (Rev. 11/15)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Evelyn Alvir

(b) County of Residence of First Listed Plaintiff Queens  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)  
Lester D. Janoff, Esq.  
200 Broadhollow Road, Suite 207  
Melville, New York 11747

**DEFENDANTS**

Aetna Life Insurance Company of Hartford a/k/a Aetna Life Insurance Company a/k/a Aetna, Inc.

County of Residence of First Listed Defendant Hartford  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)  
Patricia A. Lee, Esq. Connell Foley LLC  
85 Livingston Avenue  
Roseland, NJ 07068

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question  
(U.S. Government Not a Party)
- ☒ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                        |   | PTF                        | DEF                                   |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4            |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input checked="" type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609		
		<b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
Claim for benefits under ERISA plans

Brief description of cause:

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$  
250,000.00

CHECK YES only if demanded in complaint:  
JURY DEMAND: ☐ Yes ☒ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE  
07/07/2016

SIGNATURE OF ATTORNEY OF RECORD  
S/Patricia A. Lee

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

**CERTIFICATION OF ARBITRATION ELIGIBILITY**

Local Arbitration Rule 83.10 provides that with certain exceptions, actions seeking money damages only in an amount not in excess of \$150,000, exclusive of interest and costs, are eligible for compulsory arbitration. The amount of damages is presumed to be below the threshold amount unless a certification to the contrary is filed.

I, Patricia A. Lee, counsel for Aetna Life Insurance Company, do hereby certify that the above captioned civil action is ineligible for compulsory arbitration for the following reason(s):

- ☒ monetary damages sought are in excess of \$150,000, exclusive of interest and costs,
- ☐ the complaint seeks injunctive relief,
- ☐ the matter is otherwise ineligible for the following reason

**DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1**

Identify any parent corporation and any publicly held corporation that owns 10% or more of its stocks:

Defendant Aetna Life Insurance Company states that it is a wholly owned subsidiary of Aetna, Inc., which is a non-governmental, publicly-traded corporation.

**RELATED CASE STATEMENT (Section VIII on the Front of this Form)**

Please list all cases that are arguably related pursuant to Division of Business Rule 50.3.1 in Section VIII on the front of this form. Rule 50.3.1 (a) provides that "A civil case is "related" to another civil case for purposes of this guideline when, because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning both cases to the same judge and magistrate judge." Rule 50.3.1 (b) provides that "A civil case shall not be deemed "related" to another civil case merely because the civil case: (A) involves identical legal issues, or (B) involves the same parties." Rule 50.3.1 (c) further provides that "Presumptively, and subject to the power of a judge to determine otherwise pursuant to paragraph (d), civil cases shall not be deemed to be "related" unless both cases are still pending before the court."

**NY-E DIVISION OF BUSINESS RULE 50.1(d)(2)**

- 1.) Is the civil action being filed in the Eastern District removed from a New York State Court located in Nassau or Suffolk County? No
- 2.) If you answered "no" above:
- a) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in Nassau or Suffolk County? No
- b) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in the Eastern District? Yes

If your answer to question 2 (b) is "No," does the defendant (or a majority of the defendants, if there is more than one) reside in Nassau or Suffolk County, or, in an interpleader action, does the claimant (or a majority of the claimants, if there is more than one) reside in Nassau or Suffolk County? No

(Note: A corporation shall be considered a resident of the County in which it has the most significant contacts).

**BAR ADMISSION**

I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.

☒ Yes ☐ No

Are you currently the subject of any disciplinary action (s) in this or any other state or federal court?

☐ Yes (If yes, please explain) ☒ No

I certify the accuracy of all information provided above.

Signature: S/ Patricia A. Lee